

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS**

**December 2, 2013 – 3:00 PM**

**J. NEWTON COHEN, SR. ROOM**

**J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**  
.....

Present: Jim Sides, Chairman  
Craig Pierce, Vice-Chairman  
Jon Barber, Member  
Mike Caskey, Member  
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Sides convened the meeting at 3:00 p.m.

Commissioner Caskey provided the Invocation and also led the Pledge of Allegiance.

**SELECTION OF CHAIRMAN / VICE-CHAIRMAN**

Chairman Sides turned the meeting over to County Attorney Jay Dees to preside over the selection of Chairman and Vice-Chairman.

**Chairman:**

Mr. Dees opened the floor for nominations for Chairman.

Commissioner Barber nominated Commissioner Mitchell.

Commissioner Mitchell nominated Commissioner Sides.

There being no further nominations, Commissioner Pierce moved to close the nominations. The motion was seconded by Commissioner Mitchell and passed unanimously.

Upon being put to a vote, the nomination for Commissioner Sides to serve as Chairman was supported 4-1 with Commissioners Pierce, Mitchell, Caskey and Sides voting in the affirmative.

Based upon the 4-1 vote, Mr. Dees announced that Commissioner Sides would serve as Chairman for the next year.

**Vice-Chairman:**

Mr. Dees opened the floor for nominations for Vice-Chairman.

Commissioner Caskey nominated Commissioner Pierce.

There being no further nominations, Commissioner Sides moved to close the nominations. The motion was seconded by Commissioner Pierce and passed unanimously.

Upon being put to a vote, the nomination for Commissioner Pierce to serve as Vice-Chairman carried 4-1 with Commissioner Barber dissenting.

**CONSIDER ADDITIONS TO THE AGENDA**

- Commissioner Barber moved to add a discussion regarding the use of carbon monoxide at the Rowan County Animal Shelter. The motion died due to lack of a second.
- Commissioner Barber moved to add a discussion regarding the prescription drug discount card program.

Commissioner Mitchell inquired as to what would be discussed and Commissioner Barber said he would like to provide an update on the program.

Commissioner Mitchell seconded and the motion passed unanimously.

Chairman Sides added the issue as agenda item #3a.

**CONSIDER DELETIONS FROM THE AGENDA**

There were no deletions from the agenda.

**CONSIDER APPROVAL OF THE AGENDA**

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Pierce moved, Commissioner Mitchell seconded and the vote to approve the minutes of the November 18, 2013 Commission Meeting passed unanimously.

## **1. CONSIDER APPROVAL OF CONSENT AGENDA**

Chairman Sides moved Consent Agenda Item C (Declaration of Official Intent to Reimburse Expenditures and Budget Amendment) to the regular agenda as item #11a.

Chairman Sides moved to change Consent Agenda Item H (Approval of Probation Office Lease Agreement) from 36 months to 24 months with an option for renewal and to leave the item on the Consent Agenda.

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Pierce and passed unanimously.

The Consent Agenda consisted of the following:

- A. Memorandum of Understanding – Carolina Antique Association/Rowan County Country Life Museum
- B. Salisbury Rowan Community Action Agency's Community Services Block Grant for FY 2014-15
- C. Declaration of Official Intent to Reimburse Expenditures and Budget Amendment (moved to the agenda as item #11a)
- D. Consider Recommendation for Airport Consultants
- E. Recommendation for Revisions to Library Board Bylaws
- F. Resolution Establishing 2014 BOC Meeting Schedule

**WHEREAS**, the Rowan County Board of Commissioners recognizes the importance of serving and accommodating the citizens by providing the opportunity for public attendance at Commission meetings; *and*

**WHEREAS**, the Rowan County Board of Commissioners presently meets at 130 West Innes Street, Salisbury, North Carolina and holds its regular meetings the first and third Monday of each month at 3:00 p.m. and 6:00 p.m. respectively.

**NOW, THEREFORE BE IT RESOLVED** that the Rowan County Board of Commissioners hereby establishes the above meeting schedule and times for 2014 in an effort to continue to allow citizen participation at Board meetings.

**BE IT FURTHER RESOLVED** that the exceptions to the 2014 regular meeting schedule are approved as follows:

- Change the January 20, 2014 Meeting to Tuesday, January 21, 2014
- February 3, 2014 Meeting Time approved for 1:00 p.m.
- Change the September 1, 2014 Meeting to Tuesday, September 2, 2014

G. Personal and Blanket Bonds for Rowan County Officials

H. Consider Approval of Probation Office Lease Agreement (approved as modified and stated above)

## **2. ANNOUNCEMENTS**

There were no announcements to be reported.

### **3. PUBLIC COMMENT PERIOD**

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Brigitte Parsons spoke in opposition to use of the gas chamber at the Rowan County Animal Shelter.
- Laura Ashby spoke in opposition to use of the gas chamber at the Rowan County Animal Shelter.
- Lisa Morgan spoke in opposition to use of the gas chamber at the Rowan County Animal Shelter.
- Todd Paris, an attorney representing Commissioner Jon Barber, asked for his client to be able to present evidence and to allow for cross examination. Mr. Paris stated his client had not been interviewed and he felt the investigation was one-sided.
- Bill Cameron, local attorney and co-owner of a business in downtown Salisbury spoke in opposition to the County's purchase of the Salisbury Mall.
- Dee Lazenby spoke in opposition to use of the gas chamber at the Rowan County Animal Shelter.
- Veleria Levy directed several questions to the Chairman and provided her opinion regarding each.
- Pete Prunkl spoke in opposition to the County's purchase of the Salisbury Mall.
- John Burke spoke in opposition to the County's purchase of the Salisbury Mall.
- Whitney Bost spoke in opposition to the County's purchase of the Salisbury Mall.
- Richard Carter asked the Board to reconsider the use of the gas chamber at the Rowan County Animal Shelter. Mr. Carter discussed what he felt were wasted funds by the Board of Education and he also stated that he supported the mall purchase.
- Eva GeoRene Jones spoke in opposition to the County's purchase of the Salisbury Mall.
- Judith Klusman spoke in opposition to the County's purchase of the Salisbury Mall.
- Barbara Hart spoke in opposition to use of the gas chamber at the Rowan County Animal Shelter.
- Annie Scott spoke in opposition to use of the gas chamber at the Rowan County Animal Shelter.
- James Garrett (inaudible) said as a contractor he had built gas chambers and he felt they were humane if properly installed. Mr. Garrett said the County's purchase of the Salisbury Mall could be a good thing instead of the facility being vacant.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

## ADDITION

### UPDATE ON NACo PRESCRIPTION CARD PROGRAM

Commissioner Barber provided the history behind the NACo Prescription Card Program, as well as an update regarding its benefits and utilization by the citizens. In conclusion, Commissioner Barber also mentioned the implementation of a NACo Dental Discount Program.

Chairman Sides called for a recess at 3:55 p.m.

Chairman Sides reconvened the meeting at 4:05 p.m.

### **4. PUBLIC HEARING FOR ZTA 02-13 WIRELESS TEXT AMENDMENTS**

Planning and Development Director Ed Muire explained that statutory changes contained in House Bill 664 [attached as information] mandate changes to both the municipal and county enabling legislation related to wireless telecommunications. The statutory changes generally streamlined the process for co-locations and minor modifications (i.e. eligible facilities requests); provided a limit for consultant fees related to their review of such; and a collection of definitions and terms. Additional significant amendments proposed by the Planning Board and Staff include an increase in tower heights and provisions for placement of public safety towers.

Although amendments to the Zoning Ordinance (ZTA 02-13) for compliance with HB 664 appear quite extensive, the Staff Commentary in the sidebar of the text amendment packet should provide adequate insight into the rationale for the change whether it is statutory, committee or Staff driven. As typical with other text amendment proposals, the text recommended for deletion appears as ~~strikethrough~~ and new text appears as **bold italic underlined**.

#### **Section 21-4. Definitions.**

*Alternative tower structure* means **any structure in excess of forty (40) feet in height which is not primarily constructed for the purpose of holding antennas but on which one (1) or more antennas may be mounted** ~~manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.~~ **wireless facilities. Alternative tower structures include, but are not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards, electric transmission towers, clock towers, bell steeples, light poles and similar alternative design mounting structures.**

*Antenna* means a communication device which transmits **and** or receives electromagnetic **radio** signals. Antennas may be directional, including panels and microwave dishes, and omnidirectional including satellite dishes, whips, dipoles, and parabolic types. An antenna does not include the tower or other supporting structure to which it is attached.

**Base station is a station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies,**

**and other associated electronics.**

Broadcast tower is any freestanding or building mounted structure, including any base, tower or pole, antenna & appurtenances intended for transmitting radio or television signals.

Co-location means the placement **or installation** of additional antennas or antenna arrays **or wireless facilities** on an existing or approved telecommunications **wireless support structure or broadcast** tower (existing alternative or alternative tower structure), the sharing of an antenna or antenna array, or otherwise sharing a common location by two (2) or more FCC licensed providers of personal **mobile broadband or** wireless **telecommunication** services. Co-location includes antennas, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other support equipment or improvements located on the tower site. **Co-location does not include routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities. Routine maintenance includes activities associated with regular and general upkeep of transmission equipment, including the replacement of existing wireless facilities with facilities of the same size.**

**Eligible facilities request means a request for modification of an existing wireless support structure or base station that involves co-location of new transmission equipment but does not include a substantial modification.**

Erosion means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

**Equipment compound means an area surrounding or near the base of a wireless support structure within which a wireless facility is located.**

~~Existing alternative structure~~ means any structure in excess of forty (40) feet in height which is not primarily constructed for the purpose of holding antennas but on which one (1) or more antennas may be mounted. Alternative structures include, but are not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

~~Fall zone~~ means an area around the base of a telecommunication tower **in which a wireless support structure or broadcast tower may be expected to fall in the event of a structural failure, as measured by engineering standards.** ~~required to be kept clear of buildings, other than equipment enclosures associated with the wireless telecommunication facility, to contain debris in the event of a tower structural failure.~~

Preferred sites. Public and semi-public locations are preferred sites as opposed to private properties. For purposes of this definition, public sites are those owned or managed by the United States government, the state or the county that provide a governmental function, activity or service for public benefit. Semi-public sites are those facilities or locations owned by a nonprofit organization or group. These sites shall include but may not be limited to volunteer fire departments, schools, churches, civic organizations, etc. Preferred sites shall be subject to the same restrictions and standards of appropriateness as private properties.

**Public safety tower means a tower or wireless support structure with antennas or other similar devices providing either or both an 800 MHz trunked radio system or conventional 2-way paging systems.**

**Search ring means the area within which a wireless support structure or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.**

**Substantial modification means the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.**

- a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- c. Increasing the square footage of of the existing equipment compound by more than 2,500 square feet.

~~Telecommunications tower means a structure, facility or location designed, or intended to be used as, or used to support antennas, as well as antennas or any functional equivalent equipment used to transmit or receive signals. It includes without limit, freestanding towers, guyed towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multistory building, church steeple, silo, water tower, sign or other similar structures intended for transmitting and/or receiving cellular, paging, personal telecommunications services, or microwave telecommunications, but excluding those used exclusively for fire, police and other county owned services or facilities, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.~~

Tower means any structure whose primary function is to support an antenna. **As its use relates to supporting wireless facilities, the term 'tower' is synonymous with the term 'wireless support structure'.**

~~Tower height means the vertical distance measured from the tower base to the highest point on a telecommunications or broadcast tower, including any antennas or other equipment affixed thereto, but excluding any lighting protection rods extending above the tower and attached equipment.~~

**Wireless facility means the set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, receivers base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.**

**Wireless support structure means a new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.**

~~Wireless telecommunications facilities or telecommunications tower or telecommunications site or personal wireless facility means a structure, facility or location designed, or intended to be used as, or used to support antennas, as well as antennas or any functional equivalent equipment used to transmit or receive signals. It includes without limit, free standing towers, guyed towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended for transmitting and/or receiving radio, television, cellular, paging, personal telecommunications services, or microwave telecommunications, but excluding those used exclusively for fire, police and other county owned services or facilities, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.~~

## **Sec. 21-53. Permitted uses with special requirements.**

All uses listed as SR (Special Requirements) in article III shall comply with the pertinent regulations listed in the following subsections. Site plan approval by the zoning administrator shall be required unless expressly provided otherwise prior to issuance of a zoning permit and such

approval shall be given if all requirements herein are met. The plan shall become part of the building permit. The regulations for specific uses listed as SR in article III are located in sections 21-54--21-56.

**The SR location standards required in Section 21-55(2) a.- c. do not apply to Common Sand Mining (SIC 1442); Co-location of wireless facilities, eligible facilities requests, alternative tower structures, and public safety tower (SIC 48 pt); and Ground mounted solar energy systems 6,000 sq ft or less (SIC 491 pt).**

**Sec. 21-56. Specific criteria for uses listed as SR in section 21-113.**

Uses listed as SR in section 21-113 shall meet the following requirements expressly provided below.

(6) *Additional standards applicable to specific uses listed as SR in the transportation, communication, electric, gas and sanitary services group.*

c. Ground mounted solar energy systems 6,000 sq.ft. or less (SIC 491 pt.). For the purposes of this subsection, the requirements of Sec. 21-54, 55, & 65 do not apply for RA zoned properties.

1. Size and Setbacks. Solar collectors shall conform to the lesser of 6,000 sq.ft. or 10% of the lot size and maintain a ten (10) foot setback from all property lines.

**d. Co-location of Wireless and Eligible Facilities Requests (SIC 48 part). Co-location of wireless and eligible facilities requests are recognized as an efficient method for providing wireless facilities and are encouraged due to their minimization of adverse visual impacts and the opportunity for an expedited and effective administrative review.**

**1. Applications for co-location of wireless facilities shall include two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in Section 21-52 including items in Section 21-56(e)5 and Section 21-60(3)a.1.i..**

**2. Consideration of eligible facilities requests pursuant to this subsection shall comply with all standards prescribed below, otherwise the request may be deemed a substantial modification and subject to the provisions of Section 21-60 (3)(a):**

**i. Not increase the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20') regardless of height limitations prescribed in Section 21-60(3)b.**

**ii. Not add an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (a) more than 20 feet or (b) more than the width of the wireless support structure at the level of the appurtenance. A statutory exception (ref. NCGS 153A-349.51(7a)b) to this standard allows for sheltering the antenna from inclement weather or to connect the antenna to the tower via cable.**

**iii. Not increase the square footage of the existing equipment compound by more than 2,500 square feet.**

**iv. Provide information from Section 21-56 (e) 4, and 5; and Section 21-60(3)(a) 1.i. and 21-60(3)(c)**

**e. Use of alternative tower structures (SIC 48 part). The county acknowledges the merits of alternative tower structures for their innovative use as a means to**



provide current and future wireless telecommunications coverage and are encouraged as a secondary option to co-location and eligible facilities requests. Wireless facilities applications for placement on or within alternative tower structures may be evaluated in all zoning districts and approved administratively, provided the following SR are met:

1. The addition of an antenna shall not add more than twenty (20) feet in height.
  2. The associated wireless facilities shall comply with the setbacks for the underlying zoning district, screened according to section 21-215(1)b.1.--3. and be constructed of similar materials/color as the host structure.
  3. The existing host structure may not be externally altered, except to accommodate the addition of the antenna.
  4. Two (2) copies of a site plan as provided in section 21-52 and photograph documentation as required in Section 21-60(3)a. 4 and 5.
  5. Certification from a North Carolina registered professional engineer that any and all structures have sufficient structural integrity to accommodate the addition of an antenna with a design minimum of TIA/EIA-222F (as amended).
  6. Failure to comply with any of the criteria in items 1. through 5. shall require the application to be reviewed as a new wireless support structure.
- f. Public Safety Tower. The deployment of wireless infrastructure for use by local, state and federal government agencies is critical to ensuring the public safety and general welfare of the County's citizens at all times. The provision of reliable and uniform radio and telecommunications coverage by these agencies can only be secured through construction, operation and maintenance of its own infrastructure. Applications for a public safety tower shall include:
1. Two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in section 21-52 including items in Section 21-60(3)a.1.i.
  2. Documentation substantiating the owner and applicant for the public safety tower is either a local, state or federal agency.
  3. Fall zone certification from an NC Registered Professional Engineer in compliance with Section 21-60(3)(c).
  4. No Hazard to Air Navigation determination from the Federal Aviation Administration (FAA) and No Adverse Effect determination from the NC State Historic Preservation Office (NCSHPO). Both determinations must be dated within twelve (12) months of the public safety tower application submittal.
  5. A public safety tower is not subject to the height and location standards of Section 21-60(3)(b) .
  6. Co-locations of commercial wireless facilities on a public safety tower may be considered under the provisions of Section 21-56(6)(d).

#### **Sec. 21-60. Conditional use requirements for specific uses.**

The following criteria shall be used in evaluating specific conditional use permit applications. If no specific requirements are listed for a specific use, then only the general criteria will be used in evaluating the application.

- (3) *Transportation, communications, electric, gas and sanitary services group: Communications and telecommunications towers* **Wireless support structures** (SIC 48(part)).

- ~~a. Co-location of towers. Co-location of wireless telecommunications facilities should be the primary method for providing telecommunication services and is encouraged due to its minimization of adverse visual impacts and the ability for quick, efficient and effective administrative review and approval. Applications for co-location shall include:~~
- ~~1. Two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in section 21-52 including items in subsection c.1.i., ii., and subsection b.5.~~
  - ~~— Consideration of co-location requests that include a one-time tower height extension not to exceed twenty (20) feet may be approved administratively, regardless of height limitations prescribed in subsection (e), provided information from subsections (b) 1-9 [except photographs and simulated image]; (c) 1.i. and ii.; (f); & (h) are submitted.~~
- ~~b. Use of existing alternative and alternative tower structures. The county acknowledges the use of existing alternative and alternative tower structures for location of wireless telecommunication facilities is in the public interest through a reduction of improperly located wireless telecommunication facilities and recognizes the merits of their innovative use as a means to provide current and future telecommunications coverage. Therefore, use of existing alternative and alternative tower structures is encouraged for consideration as a secondary option to co-location and is allowed with special requirements (SR) in all districts. Applications for location pursuant to this subsection may be evaluated and approved administratively, provided the following SR are met:~~
- ~~1. The addition of an antenna shall not add more than twenty (20) feet in height.~~
  - ~~2. Associated equipment cabinets, buildings, etc. shall comply with the setbacks for the underlying zoning district, screened according to section 21-215(1)b.1.-3. and be constructed of similar materials/color as the host structure.~~
  - ~~3. The existing host structure may not be externally altered, except to accommodate the addition of the antenna.~~
  - ~~4. Two (2) copies of a site plan as provided in section 21-52 including items in subsections c.4. and 5.~~
  - ~~5. Certification from a North Carolina registered professional engineer that any and all structures have sufficient structural integrity to accommodate the addition of an antenna with a design minimum of TIA/EIA-222F.~~
  - ~~6. Failure to comply with any of the criteria in items 1. through 5. shall require the application to be reviewed as a new wireless facility.~~
  - ~~7. Special consideration may be given to applications which incorporate their antenna facility within a proposed nonresidential project provided the use is incidental and employs stealth or concealment technology.~~
  - ~~8. Statement that the new combined facility will comply with 47 CFR (FCC Rules) in particular the personal safety requirements (47 CFR ¶ 1.1310 and others).~~
  - ~~9. A statement addressing 47 CFR ¶ 1.1307, and 36 CFR Part 800 shall be provided.~~
- ~~a.-e .New wireless **support structures** telecommunication facilities. For all new wireless **support structures** telecommunication facilities, the county encourages the applicant to investigate preferred sites and those locations that minimize the impact to historically significant structures and the North Carolina Scenic Byway corridor. In the event the new telecommunication site **wireless support structure** cannot be located at a preferred site, evidence that the applicant has investigated the possibilities for locating as co-location on an existing alternative or alternative tower **wireless support** structure shall be presented with an **its** application for a new wireless facility. At a minimum the evidence should contain:~~

1. Copies and responses of certified letters sent to owners/operators of all existing towers and structures with telecommunications facilities within a four-mile radius the search ring of the proposed site, requesting the following information:
  - i. Height above ground and sea level.
  - ii. Existing tenants, including any telecommunication service providers ~~(including their frequency and height)~~ and planned tower use.
  - iii. Whether the existing site could accommodate the addition of their facility wireless facilities ~~without causing instability or radio frequency interference.~~
  - v. If the proposed addition of their wireless facilities cannot be accommodated, an assessment of whether the existing site could be upgraded and a general description of the means and projected costs of shared use of the tower.
2. Inventory of all preferred sites, ~~existing alternative~~ and alternative tower structures considered within a four-mile radius of the proposed site search ring, including:
  - i. ~~S~~ specific analysis of each preferred site and alternative tower structure outlining positive and negative aspects for utilizing.
  - ii. ~~Indication of type of coverage each alternative may provide, i.e. design level or minimum acceptable level (typically five (5) dB down).~~
3. A completed application for a new wireless support structure antenna facility shall include:
  - i. ~~Eight (8)~~ Two copies of a site plan registered professional engineer or a professional land surveyor as provided in section 21-52.
  - ii. Topography information ~~telecommunication site and parent tract (if applicable)~~ for the equipment compound and fall zone including and base elevation of tower wireless support structure or alternative tower structure.
  - iii. ~~Frequency, modulation and class of service of transmitting equipment.~~
  - ~~iii.~~ iv. Tower height and height of antenna location (if different).
  - ~~iv.~~ v. Setbacks including ingress and egress easements, fall zone, fencing and screening requirements found in section 21-215(1)b.1.--3.
  - ~~v.~~ vi. Adjacent land uses and the separation distance from antenna facility to the nearest occupied residential dwelling.
  - vii. ~~Description of coverage needs as a result of existing facilities.~~
  - viii. ~~Statement that the new facility will comply with 47 CFR (FCC Rules) in particular the personal safety requirements (47 CFR ¶ 1.310 and others).~~
  - ix. ~~Statement addressing 47 CFR ¶ 1.1307, & 36 CFR Part 800 provided.~~
4. Actual photographs of the site from a north, south, east and west viewpoint. Using the latitude and longitude of the proposed wireless support structure location as a fixed point, obtain actual photographs of the site that present a 0 degree (north); 90 degree (east); 180 degree (south); 270 degree (west) perspective toward the fixed point from the nearest North Carolina DOT maintained roads in relation to the site.
5. Utilizing each of the photographs from item ~~iv.~~ 4. above, create a simulated photographic image of the proposed tower wireless support structure or antenna addition to an alternative tower structure depicting the foreground, midground and background of the site in relation to its surroundings. Create photo simulations from each of the perspectives referenced above depicting the tower at a scale relative to its surroundings with specific regard to height and width.
6. Engineering report certifying the tower is compatible for co-location with a minimum

of five (5) compatible users including the primary user and copy of co-location policy.

- ~~7. Eighteen-inch by twenty-four inch propagation map depicting the proposed site with differentiation between optimum and minimum coverage area, location of all towers within a four-mile radius, location of each alternative method considered in subsection ii. and labeling all state maintained roads, county and municipal boundaries.~~
- ~~d. *Balloon test.* In situations where evidence of the applicant's due diligences is supported by documentation as required by subsections 1. and 2., the applicant shall arrange for a balloon test at the proposed site to be conducted as follows:~~
  - ~~1. Arrange to fly or raise upon a temporary mast, a minimum of a three-foot diameter red balloon at the maximum height of the proposed new tower.~~
  - ~~2. The date and time of the balloon test (including a second date, in case of poor visibility on the initial date) shall be determined by the zoning administrator and publicly advertised in local paper of choice.~~
  - ~~3. Three (3) days prior to the balloon test, the applicant shall place a sign(s) no smaller than two (2) feet by two (2) feet along the road frontage(s) of the property or in another conspicuous location informing the general public of the following:~~
    - ~~i. Name of the applicant and tower owner.~~
    - ~~ii. Type and height of proposed tower.~~
    - ~~iii. Date, time and location of public hearing. Failure to comply with this requirement may result in cancellation of the public hearing for the application.~~
  - ~~4. The balloon shall be flown for at least eight (8) consecutive hours between the hours of 7:00 a.m. and 4:00 p.m.~~
- b.e. Tower heights and types.** To maintain the character of the rural areas of the county and allow for placement in the commercial and industrial areas of the county, new ~~towers~~ **wireless support structures** will be regulated in the following manner:
  1. Rural ~~a~~**Agricultural (RA), *Rural Residential*** and Neighborhood Business (NB) districts. Monopole not to exceed one hundred ~~fifty (150)~~ **ninety-nine (199)** feet based on five (5) co-located antenna arrays.
  2. Commercial, business, industrial (CBI), Industrial (IND), 85-ED-1, 85-ED-2, 85-ED-3, and 85-ED-4. Monopole or lattice tower not to exceed ~~one hundred ninety-nine (199)~~ **two hundred fifty (250)** feet based on six (6) co-located antenna arrays.
  3. Requirements 1. and 2. of this subsection may be modified by the board of commissioners based upon:
    - i. Evidence presented by the applicant that demonstrates a ~~waiver~~ **height increase** is in the interest of public safety or is a ~~practical necessity~~ **necessary to provide the applicant's designed service.**
    - ii. An alternative design ~~or tower height~~ would better blend into the surrounding environment regardless of zoning district.
- c.f. Provisions for tower safety.** New towers must either be so designed as to land upon its own property or lease area in the event of a fall as certified by a North Carolina registered professional engineer or have a minimum lot size or lease area no less than ten thousand (10,000) square feet and have an accompanying fall zone easement equal to the tower height plus ten (10) feet. New composite tower shall, at a minimum, fully loaded, comply with TIA/EIA-222F.

~~d.g.~~ *Retention of consultant.* The county may elect to retain a consultant or professional services to review the application and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives and compliance with state and federal rules and regulations. The applicant shall pay any expense for consulting or professional services in excess of the application fee. The county shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the zoning administrator shall arrange an informal consultation with the applicant to review the consultant's report prior to any public hearing on the application. All determination costs **not excluded by NCGS 153A-349.52(f)** are reimbursable by applicant.

~~h. *Removal.* The applicant shall provide written documentation substantiating that the applicant or tower owner has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation. Notice shall be provided to the zoning administrator when any telecommunication tower is not operational for a continuous period of one hundred eighty (180) days. Upon receipt of notification, the owner shall remove the tower within sixty (60) days.~~

~~i. *Inventory.* Each applicant requesting consideration for a permit pursuant to this section shall provide the zoning administrator an inventory of its existing telecommunication sites that are either within the jurisdiction of the county, including municipalities therein, or within four (4) miles of the border thereof, including specific information about the location, height and design of each tower or antenna. Applicants shall also submit an inventory of potential future telecommunication sites within the jurisdiction of the county. The zoning administrator may share such information with other applicants applying for permits under this section or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority; provided however, that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~

~~e.j. *Obstruction lighting and marking.* Only these telecommunications towers **Wireless support structures** located within the county's airport zone overlay may exhibit obstruction lighting and marking in accordance with the Federal Aviation Administration standards. All other towers shall be of galvanized finish, or painted with a rust protective paint of an appropriate color to harmonize with the surroundings as approved by the board of commissioners. Requirements of this subsection may be modified by the board of commissioners based upon an increase in tower height or location in another jurisdiction's regulated air space or in the interest of public safety.~~

~~f.k. *FCC license required.* The applicant for a new wireless telecommunication facility must be currently licensed by the FCC to provide fixed or mobile wireless communication services, or if the applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one (1) or more FCC licensees to utilize the wireless telecommunication site once constructed.~~

**Sec. 21-113. Table of Uses.**

P- Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C- Conditional Use		Zoning Districts								
		Residential					Nonresidential			
		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
	Use									
<b>Mining</b>										
10	Metal mining									C
14	Mining and quarrying of non-metallic minerals except fuels, <i>all except</i>									C
<b>1442</b>	Common sand mining	SR								P
<b>Transportation, communications, electric, gas and sanitary services cont.</b>										
42	Motor freight transportation and warehousing, <i>all except</i>						P			P
421	Trucking	SR	SR				P	SR		P
	Mini-warehouse warehousing	SR					P	SR		P
	Dead storage of manufactured homes	SR	SR		SR	SR	SR			SR
43	U.S. Postal Service	<u>SR</u> <u>P</u>	<u>SR</u> <u>P</u>				P			P
44	Water transportation						P			P
45	Transportation by air						P			P
46	Pipelines, except natural gas	C	C	C	C	C	C			C
47	Transportation services						P			P
48	Communications, <i>all except</i>						P			P
	Transmission tower & communications towers <u>Wireless support structures</u>	C	<u>C</u>				C	C		C
	<u>Co-location of wireless facilities</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>
	<u>Eligible facilities request</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>
	<u>Alternative tower structures</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>
	<u>Public safety tower</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>
4832	Radio broadcast towers	C								
4833	Television broadcast towers	C								

**Sec. 21-275. Antennae.**

Antennae for private, non-commercial use are subject to the same placement requirements as accessory uses within each zoning district as provided by this chapter. However, when placement based on accessory setback requirements precludes development of a viable reception window, the zoning administrator may authorize placement otherwise if warranted by significantly improved reception.

**Antennae and their associated supporting towers subject to the placement criteria in this section only, include: radio and television reception, private citizen's bands, amateur (HAM) radio and any others determined as similar by the Zoning Administrator on a case-by-case basis.**

**Sec. 21-277. Exceptions and modifications.**

- (d) Antennae for private or public safety use. Antennae for private use or for use by "police protection" or "fire protection" are exempt from the conditional use requirements for communication towers prescribed in article III, requirements **contained in Sections 21-56(d)(e) and (f). Private, non-commercial antennae exempted under this provision include: residential radio and television, private citizen's bands, amateur (HAM) radio and any others determined as similar by the Zoning Administrator on a case-by-case basis.**

Commissioner Pierce inquired as to whether the text amendments would impact 911 towers. Mr. Muire responded that Section 21-56 provided a provision for approval of public safety towers.

Chairman Sides opened the public hearing to receive citizen input regarding the proposed text amendments. The following individual came forward:

- Liz Hill, Chair of the Regulatory Committee for the Carolinas, spoke in support of the amendments.

With no one else wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Barber moved approval of the Statement of Consistency. The motion was seconded by Commissioner Pierce and passed unanimously.

The Statement of Consistency read as follows: The changes to the Zoning Ordinance comply with the requirements found in House Bill 664.

Commissioner Barber moved to approve ZTA 02-13. The motion was seconded by Commissioner Pierce and passed unanimously.

At this point in the meeting, Rowan County's Telecommunications Director, Rob Robinson, said the County was working on radio communication upgrades. Mr. Robinson said he had been working with Mr. Muire looking at co-locating options out in that area. Mr. Robinson provided a handout and asked for permission from the Board to have the Motorola vendor start the process with the FAA. Mr. Robinson stated a site had been found to build a tower and the location had to be cleared with the FAA. Mr. Robinson said there was no obligation to the County but rather to determine if the site was feasible.

Commissioner Pierce moved to authorize staff to continue this project, with the understanding that the County could back out at any moment. Commissioner Mitchell seconded and the motion passed unanimously.

## **5. PUBLIC HEARING FOR PROJECT EAST**

Economic Development Commission (EDC) Director Robert Van Geons said Gildan Yarns (Gildan) planned to increase its presence in Rowan County by building an approximately 600,000 square foot building behind its current facility on Heilig Road. Gildan will invest approximately \$129 million in the project and create 184 new jobs. In order to make the project viable, a new industrial road and water line extension will be necessary. Community Development Block Grant (CDBG) funds have been identified as a possible means to pay for the majority of these improvements.

Mr. Van Geons said the Board of Commissioners (BOC) held a public hearing during regular session on November 4, 2013 to receive citizen input into indentifying economic needs and desired economic development activities. The public hearing was a required step for submitting a CDBG application. A second public hearing must be held by the BOC before an application can be submitted.

Chairman Sides opened the public hearing to receive citizen input on the proposed CDBG application. With no one wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Barber moved to approve the Resolution for Rowan County's application for CDBG funding for the Gildan Yarns infrastructure project. Commissioner Caskey seconded the motion and the motion carried 4-1 with Chairman Sides dissenting.

## **6. PUBLIC HEARING AND IMPACT SUMMARY PRESENTATION – EDC “PROJECT GLASS”**

Economic Development Commission (EDC) Director Robert Van Geons reported that an existing business, Shat-R-Shield, planned to expand at its current location 116 Ryan Patrick Drive. Due to topographical challenges at their current site, the EDC was requesting the donation of up to 12,000 cubic yards (valued at \$24,000) of fill dirt. The fill dirt would be taken from undeveloped lots at the County's Speedway Business Park. Mr. Van Geons stated that even though 12,000 cubic yards was being requested, it was anticipated the project would not require more than 7,000 cubic yards (valued at \$14,000).

Mr. Van Geons said the fill dirt was the only assistance being sought for the project and the project was estimated to add \$1,000,000 to the local tax base.

Mr. Van Geons said an incentive agreement had been drafted stating if the company did not build within the year, they would repay the County at the estimated value of \$2.00 per cubic yard of dirt that had been removed from the site.

In response to an inquiry from Chairman Sides regarding the price of the dirt, Mr. Van Geons said the \$2.00 was the middle of the road of the figures that had been received.

Commissioner Pierce asked if anyone had tested the soil and Mr. Van Geons responded that engineers had looked at the soil. Mr. Van Geons said the soil did look favorable but it would be verified prior to transportation. Mr. Van Geons said based on soil borings it was believed to be fully usable.

Chairman Sides said there was an estimated 200,000 yards of dirt and he asked if it was all usable. Chairman Sides discussed a need for dirt at the Airport and



said he hoped it would work out with the DOT for fill dirt. Chairman Sides said if not, the County would have to get the dirt from preferably the County's own site.

Chairman Sides opened the public hearing to receive citizen input regarding the request. The following individuals came forward to address the Board:

- Richard Carter questioned the price for the transportation of the fill dirt which was absent from the presentation. Mr. Carter also asked if the County transportation company would be secured to handle the transportation of the dirt.

Mr. Van Geons said the project had gone out to bid and an effort was made to try to bid every vendor in Rowan County. Mr. Van Geons said the City of Salisbury had been asked to consider a match in costs of approximately \$20,000 to \$35,000, since the project was in the City's jurisdiction and would be a joint effort between the County and the City to cooperate with the company.

With no one else wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Mitchell moved approval of the relocation and expansion assistance agreement. Commissioner Caskey seconded and the motion passed 4-1 with Chairman Sides dissenting.

## **7. PRESENTATION OF FISCAL YEAR 2013 COMPREHENSIVE ANNUAL FINANCIAL REPORT**

Paula Hodges of Martin Starnes & Associates provided a power point presentation as she highlighted the County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2013. Ms. Hodges praised the Finance Department for its work and cooperation in the audit process.

Ms. Hodges said Martin Starnes & Associates had rendered an unmodified audit report, which was the highest level of assurance the firm could issue regarding the accuracy of financial statements. Ms. Hodges said the audit showed no findings or questionable costs.

Ms. Hodges discussed the audit process and reviewed the financial position of the County.

Commissioner Barber moved to approve the Annual Financial Report as presented. The motion was seconded by Commissioner Caskey and passed unanimously.

Chairman Sides expressed appreciation to staff for their work on the report and for helping to keep the County financially sound.

## **8. DISCUSSION OF INVESTIGATION RESULTS INVOLVING COMMISSIONER BARBER**

Chairman Sides said on September 16, 2013 the Board assigned Rowan County Risk Manager Yvonne Moebs with the task of conducting a fact-finding investigation of alleged excessive unauthorized use of County equipment and supplies by Commissioner Barber.

During regular session on November 18, 2013 Ms. Moebs presented the results of the investigation. The Board chose to defer a decision on the matter until December 2, 2013 in order to allow the Board time to review the report.

Commissioner Pierce moved to send the information to the District Attorney to determine if there is any violation. The motion was seconded by Commissioner Caskey.

Commissioner Barber said he was not sure that proper procedure had been followed as outlined in the Code of Ethics on pages five (5) and six (6). Commissioner Barber mentioned a public records request that had not yet been filled. Commissioner Barber repeated that he felt proper procedures were not being followed as had been defined.

Mr. Dees said the Code of Ethics being referred to was with regard to the censure process. Mr. Dees stated the procedure outlined was with specific regard to the censure process.

Chairman Sides said he felt the process had been followed to the best of his ability.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Barber dissenting.

## **9. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – Adjust budget for Soil and Water to match the State budget - \$92
- Finance – Budget revenues and expenditures for Help America Vote Act (HAVA) grant for Board of Elections. The grant funds will be used to make polling sites accessible and ADA compliant. \$40,463
- Health – Increase budget for Beacon revenue and expenses received and incurred in FY 13-14 - \$94,711
- Social Services – Recognize reserved funds from FY 2013 for Christmas Happiness. DSS is not administering the program this year and the funds will be released to the Salvation Army - \$3,196

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Caskey and passed unanimously.

#### **10. CONSIDER APPROVAL OF BOARD APPOINTMENTS** **JUVENILE CRIME PREVENTION COUNCIL**

Social Services Director Donna Fayko is requesting Rebecca Smith (a Cabarrus County resident) be appointed as the DSS designee to replace the current designee. There are no term limits with this appointment.

Commissioner Pierce nominated Rebecca Smith and the nomination passed unanimously.

#### **PLANNING BOARD**

There are five (5) vacancies and the following have submitted applications for consideration:

- Joe Dale Teeter for reappointment
- Samuel Lawrence Jones
- Joseph S. Coladarci, Jr.
- Kenneth Blake Jarman ( Please note that Mr. Jarman has also submitted an application for the Industrial Facilities and Pollution Control Finance Authority)
- K. Reid Walters, Jr.
- Jason Daniel Manus

The terms are for three (3) years beginning January 1, 2014 and expiring December 31, 2016.

Commissioner Barber nominated Joe Dale Teeter for reappointment.

Commissioner Caskey nominated Jason Daniel Manus.

Commissioner Pierce nominated Samuel Lawrence Jones and Joseph Coladarci, Jr.

Commissioner Mitchell nominated K. Reid Walters, Jr. and Kenneth Blake Jarman.

The following votes were cast by a show of hands:

- Joe Teeter was unanimously reappointed.
- Jason Daniel Manus, 1-4 with Commissioners Sides, Mitchell, Pierce and Barber dissenting.
- Samuel Lawrence Jones was unanimously appointed.
- Joseph S. Caladarci, Jr., 4-1 with Commissioner Barber dissenting.
- K. Reid Walters, 4-1 with Chairman Sides dissenting.
- Kenneth Blake Jarman was appointed unanimously.

Chairman Sides called for a second vote on applicants Jason Daniel Manus, K. Reid Walters, and Joseph Coladarci, Jr. and the votes were as follows:

- Jason Daniel Manus, 1-4 with Commissioners Sides, Pierce, Mitchell, and Barber dissenting.
- K. Reid Walters, 3-2 with Commissioners Sides and Caskey dissenting.
- Joseph Coladarci, 4-1 with Commissioner Barber dissenting.

Chairman Sides stated that Joseph Dale Teeter, Samuel Lawrence Jones, Joseph Coladarci, Jr., Kenneth Blake Jarman, and K. Reid Walters, Jr. were appointed to the Planning Board.

### **SALISBURY-ROWAN ECONOMIC DEVELOPMENT COMMISSION**

There are three (3) vacancies and the following have submitted applications:

- Paul Addison Brown for reappointment
- Gregory E. Philpot for reappointment
- Bryan M. Overcash
- John Fearl Leatherman (Please note that Mr. Leatherman has also submitted an application for the Industrial Facilities and Pollution Control Authority)
- Darlene Pittman Blount

The terms are for three (3) years beginning January 1, 2014 and expiring December 31, 2016.

Commissioner Barber nominated Paul Brown and Gregory Philpot for reappointment.

Commissioner Pierce nominated John Leatherman and Darlene Blount.

Commissioner Barber nominated Bryan Overcash.

Upon being put to vote, Paul Brown was reappointed 3-2, with Commissioners Sides and Pierce dissenting. John Leatherman was appointed 4-1 with Commissioner Barber dissenting and Darlene Blount was appointed 3-2 with Commissioners Mitchell and Barber dissenting.

The votes for Greg Philpot were 2-3 with Commissioners Sides, Pierce and Caskey dissenting.

The votes for Bryan Overcash were 1-4 with Commissioners Sides, Pierce, Mitchell and Caskey dissenting.

### **INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCE AUTHORITY**

- Richard Warlick has submitted his resignation
- Laurence Oakes has moved and cannot be reached.

The acceptance of the resignation and removal of the above Authority members creates four (4) vacancies. The following applications have been submitted for consideration:

- James Patrick Johnson
- John Fearl Leatherman
- Kenneth Blake Jarman
- Larry Gene Wright

The terms for the Authority are six (6) years beginning December 1, 2013 and expiring November 30, 2019; however, Mr. Warlick's term expires July 31, 2015 and Mr. Oakes term expires August 31, 2015. The BOC will need to declare which applicant would fulfill the unexpired term of Mr. Warlick and the unexpired term of Mr. Oakes.

Commissioner Mitchell moved, Commissioner Pierce seconded and the vote to accept Richard Warlick's resignation passed unanimously.

Commissioner Mitchell made a motion to remove Laurence Oakes. Commissioner Pierce seconded and the motion passed unanimously.

Commissioner Pierce nominated Johnson, Leatherman, Jarman and Wright and the nominations passed unanimously.

Commissioner Pierce moved that James Patrick Johnson fill the unexpired term of Richard Warlick. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Pierce moved that Larry Gene Wright fill the unexpired term of Laurence Oakes. The motion was seconded by Commissioner Mitchell and passed unanimously.

### **ROWAN COUNTY RESCUE SQUAD**

There are two (2) vacancies and the following applications were received:

- Melanie Earle for reappointment
- Mac Butner for reappointment
- Millie Walden Cress
- Grayson Foster Gusa

The Rescue Squad Executive Board is requesting that the term length for these appointments be reduced to one (1) year. Following the one (1) year appointment, these members would be eligible for a two (2) year reappointment with the term limit being waived by the Rescue Squad Executive Board. The adjustment of the term length would align the County appointments with the newly adopted By-laws for the Rescue Squad.

If approved, the terms would be for one (1) year beginning January 1, 2014 and expire December 31, 2014.

Commissioner Pierce nominated Millie Cress.

Commissioner Barber nominated Grayson Gusa.

Commissioner Mitchell nominated Melanie Earle.

Commissioner Caskey nominated Mac Butner.

The votes were as follows:

- Millie Cress, 2-3 with Commissioners Sides, Mitchell and Caskey dissenting.
- Grayson Gusa, 1-4 with Commissioners Sides, Pierce, Mitchell, and Caskey dissenting.
- Melanie Earle, 4-1 with Commissioner Barber dissenting.
- Mac Butner, 3-2 with Commissioners Barber and Pierce dissenting.

Chairman Sides stated that Melanie Earle and Mac Butner were reappointed.

Commissioner Mitchell moved to approve the request for the length of terms. Commissioner Pierce seconded and the motion was approved unanimously.

### **JURY COMMISSION**

- Jeffrey David Cox, Jr. submitted an application for reappointment. The term is for two (2) years beginning December 1, 2013 and expiring November 30, 2015.

Commissioner Pierce nominated Jeffrey Cox for reappointment and the nomination passed unanimously.

### **11. CLOSED SESSION**

Commissioner Pierce moved to enter into Closed Session at 4:49 pm in accordance with North Carolina General Statute 143-318.11(a)(1) to consider approval of Closed Session minutes; North Carolina General Statute 143-318.11(a)(3) for attorney-client privileged communication and North Carolina General Statute 143.318.11(a)(5) to discuss a real property purchase. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

The Board returned to Open Session at 6:43 p.m.

Commissioner Mitchell moved to authorize \$6 million in debt service to be covered by Articles 40 and 42 sales tax for a school central office building at any location other than 329 South Main. Additionally, if the school board selects the

old West Innes DSS building site, the Board of Commissioners will authorize an additional expenditure necessary to cover new architectural drawings for the building. Commissioner Pierce seconded and the motion passed 4-1 with Commissioner Barber dissenting.

Chairman Sides stated there was a declaration of official intent to reimburse expenditures that the Board could go ahead and vote on. Chairman Sides stated even though negotiations for the mall were still open, the action would already be completed, should the deal go through.

Commissioner Mitchell moved approval as presented. The motion was seconded by Commissioner Pierce and passed unanimously (Commissioner Barber abstained and was therefore counted in the affirmative).

### **ADJOURNMENT**

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 6:47 p.m.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC  
Clerk to the Board/  
Assistant to the County Manager